

SERVICE DATE - NOVEMBER 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42027

NORTHERN INDIANA PUBLIC SERVICE COMPANY

v.

CONSOLIDATED RAIL CORPORATION

Decided: November 28, 2001

By complaint filed March 11, 1998, Northern Indiana Public Service Company (NIPSC) requested that the Board order Consolidated Rail Corporation (Conrail) to establish a “reasonable rail rate” for the movement of coal in unit trains from what was then Conrail’s interchange with the Union Pacific Railroad Company at Momence, IL, to NIPSC’s generating plant near Wheatfield, IN. The complaint was filed during the pendency of the consolidation proceeding that would later result in the division of the assets of Conrail between the two rail systems that included Norfolk Southern Railway Company (NS) and CSX Transportation, Inc. As a result of the Board’s approval of the transaction in the consolidation proceeding, NS assumed rail service over the Conrail segment involved in this complaint proceeding.¹

By motion filed on November 16, 2001, NIPSC requests that its complaint in this proceeding be dismissed with prejudice. NIPSC states that the parties have reached a settlement and entered into a contract that resolves the dispute that led to the filing of the complaint.

NIPSC’s motion will be granted.

It is ordered:

1. NIPSC’s complaint is dismissed with prejudice, and this proceeding is discontinued.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ See CSX Corp. et al.—Control—Conrail Inc. et al., 3 S.T.B. 196 (1998).